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Thomas O. Forslund, Director

Governor Matthew H. Mead

## **MEMORANDUM**

DATE:

May 19, 2011

TO:

WDH Employees

FROM:

Thomas O. Forslund, Director Wyoming Department of Health

SUBJECT: Breastfeeding Support in the Workplace

REF:

F-2011-389

The State of Wyoming, Department of Administration and Information, Human Resources Division has issued Break Time Rules for Nursing Mothers under the Fair Labor Standards Act (FLSA), Section 7. The FLSA was amended by the Patient Protection and Affordable Care Act of 2010. A copy of the rule is attached.

If you should have any questions, please contact Melanie Doolin, Manager of the Office of Human Resources, at melanie.doolin@health.wyo.gov.

Thank you.

TOF/jg



## STATE OF WYOMING

## DEPARTMENT OF ADMINISTRATION AND INFORMATION

**Human Resources Division** 

Matthew H. Mead Governor

Rich Cathcart

Dean Fausset

TO:

All Agency Human Resource Representatives

FROM:

Dean Fausset, Human Resources Administrator

DATE:

February 1, 2011

SUBJECT:

Break Time Rules for Nursing Mothers under the FLSA

The following provides information regarding recent changes in the Fair Labor Standards Act Section 7 of the FLSA which was amended by the Patient Protection and Affordable Care Act ("PPACA"), effective March 23, 2010. Specific requirements may be referenced at the U.S. Department of Labor, Wage and Hour Division, Fact Sheet #73 <a href="http://www.dol.gov/whd/regs/compliance/whdfs73.htm">http://www.dol.gov/whd/regs/compliance/whdfs73.htm</a>

Based upon this change, employers are required to provide "reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express the milk."

Employers are also required to provide "a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk."

This FLSA coverage is for employees who are in a non-exempt status for overtime purposes. The State of Wyoming Compensation Policy currently allows employees rest periods (breaks) in accordance with Chapter 5, Section 8. Our break periods are available to exempt and non-exempt employees, and this time may be used for expressing breast milk.

At this time the Human Resources Division believes the information provided in Fact Sheet #73 and our State Compensation Policy are adequate for agencies to begin complying with the new amendment to the FLSA. Currently they allow time for employee rest periods. However, the issue of providing a location to express breast milk will be the responsibility of each individual agency. Agencies will need to evaluate their facilities and locations and identify appropriate places for nursing mothers to have privacy during this time. I recommend that each agency notify and communicate to its employees this information and the specified location(s) for this purpose. I will continue to provide up-to-date information on changing issues and laws as it becomes available.

Should you have further questions, please feel free to contact A&I Human Resources Division.